CALIFORNIA STATE PERSONNEL BOARD MEETING
Los Angeles Airport Hilton
5711 West Century Boulevard
Los Angeles, California 90045-5631

(310) 410-4000 FAX (310) 410-6177

<u>Public Session Location</u> - Marina Room Closed Session Location - Marina Room

FULL BOARD MEETING MINUTES**

OCTOBER 8, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President William Elkins, Vice President Florence Bos, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

A. The Governor issued an Executive Order over the weekend that will trigger the Golden Handshake program. The program is voluntary. Departments are required to reimburse CalPERS for the additional costs and demonstrate savings to the state. The Department of Finance will issue a memo with further details.

The State Personnel Board Summary Minutes can be obtained at the following Internet address:

http://www.spb.ca.gov/spbmeet/spbminrd.cfm

- B. Staff met with Senator Polanco and representatives of the Department of Personnel Administration and Department of Corrections to discuss employment issues contained in the recent report of the State Auditor.
- C. Staff met with the Legislative Counsel to discuss the status of their demonstration project and the potential for extending provisions of the project.
- D. Perry Kenny, President of the California State Employees Association, has sent a letter to the Governor urging the issuance of an Executive Order on Equal Employment Opportunity.
- E. The Legislative Coordinator vacancy has been posted on the CEA line.
- 3. REPORT OF THE CHIEF COUNSEL Elise Rose

The Chief Counsel reported on:

Litigation:

- A. Moosa v. State Personnel Board Appellant has requested publication of the as yet unpublished court of appeal decision overturning the discipline against him.
- B. <u>Alameida v. Krupp</u> Superior Court ruled that Department of Corrections should be accorded a hearing on the whistleblower retaliation findings against it, but that the scope of the hearing is to be determined by the Board.

In the News:

- A. Vasquez v. County of Los Angeles New 9th Circuit case defines what constitutes adverse employment action for purposes of retaliation claim to include only objectively adverse changes in employment conditions. The fact that subjectively an employee may be unhappy with a change in assignment, where there is no change in pay or benefits, for example, is not sufficient.
- B. Select Advisory Panel on Policy, PRID and Appeals Meeting on October 1, 2002, focused on changes to selection manual, issue of publication of names on

eligibility list, medical questionnaire, and pending legislation.

C. Council of Counsels - Meeting on September 26, 2002, was well attended. Further discussion of settlement conference pilot project as well as of regulatory and statutory changes.

4. REPORT ON LEGISLATION - Walter Vaughn

The Board was advised of the following:

- A. The Governor signed AB 1050 (Wright) that permits extension of Probationary Periods when delays occur in the provision of reasonable accommodations to employees. The Governor also signed AB 1357 (Wiggins) requiring contractors to provide employees benefits comparable to those of state employees. The Governor also signed AB 2034 (Horton) concerning whistleblower procedures for community colleges and SB 1045 (Polanco) concerning outreach and contracting.
- B. The Governor vetoed AB 2268 (Horton) concerning Skelly procedures; AB 2892 (Horton) concerning discrimination complaint procedures, SB 43 (Polanco) concerning equal opportunity; and SB 987 (Escutia) concerning bilingual services.

5. ORAL ARGUMENT

Oral argument in the matter of BRYAN JONES, CASE NO'S 99-3883 & 99-4930. Appeal from dismissal. State Fair Exposition.

Persons Participating:

Curtis Leavitt, Staff Counsel, representing CalExpo

ACTION: Submitted

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6. ORAL ARGUMENT

Oral argument in the matter of MARSHALL HAVNER, CASE NO. 01-3111B. Appeal from backpay. Department of Developmental Services.

Persons Participating:

Marshal Havner, Pro Per

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of YOLANDO CANEDO, CASE NO. 00-4072. Appeal from discrimination complaint. Department of Corrections.

Persons Participating:

Andrea R. Austin, Staff Counsel, representing Department of Corrections

James De Aguilera, Attorney at Law, representing appellant

ACTION: Submitted

8. ORAL ARGUMENT

Oral argument in the matter of ROMONDO SIZEMORE, CASE NO. 00-0418B. Appeal from backpay. Department of Corrections.

Persons Participating:

Vickie L. Brewer, Supervising Senior Staff Counsel, Department of Corrections Larry Watkins Esq, Attorney at Law, representing appellant

ACTION: Submitted

9. PLANNING SESSION (Continuation)

- A. STRATEGIC PLAN
- B. RECOMMENDATIONS TO THE LEGISLATURE
- C. RECOMMENDATIONS TO THE GOVERNOR

ACTION: Planning session held.

BOARD ACTIONS

10. STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 24, 2002

ACTION: Adopted on October 8, 2002. Vote: Alvarado, Elkins, Bos - Aye.

11. ACTION ON SUBMITTED ITEMS

ACTION: See page 22.

12. ADMINISTRATIVE LAW JUDGE CASES

On October 8, 2002, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos - Aye.

PROPOSED DECISIONS

EVA JENSEN, CASE NO. 02-0518 Appeal from dismissal Registered Nurse (Safety) Atascadero State Hospital Department of Mental Health ACTION: Dismissal revoked

ERIC KEIL, CASE NO. 02-1408

Appeal from two-step reduction in salary for 12 months
Park Maintenance Assistant
Department of Parks and Recreation
ACTION: Two-step reduction in salary for 12 months modified to two-step reduction in salary for six months

BONNIE SNYDER, CASE NO. 02-0556
Appeal from ten working days suspension
Program Technician II
Department of Social Services
ACTION: Ten working days suspension revoked

RICHARD LOWRY, CASE NO. 01-1548

Appeal from rejection during
probationary period

Transportation Engineer (Civil)

Department of Transportation

ACTION: Rejection during probationary period sustained

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ROSALIE TRUJILLO, CASE NO. 02-1158

Appeal from one-step reduction in salary for six months

Psychiatric Technician

Metropolitan State Hospital

Department of Mental Health

ACTION: One-step reduction in salary for six months sustained

PETITIONS FOR REHEARING

KEVIN ABRAM, CASE NO. 01-3911P

Appeal from two step reduction in
salary for one year and disciplinary
transfer Office Assistant (Typing)
Department of Industrial Relations
ACTION: Petition for rehearing filed by respondent denied

VIRGILIO GAYO, CASE NO. 01-4106P Appeal from dismissal Business Service Officer I (Supervisor) Department of Insurance ACTION: Petition for rehearing filed by appellant denied

KIM HONG, CASE NO. 01-3587P
Appeal from transfer
Pharmacist I
Chowchilla - Valley State Prison
Department of Corrections
ACTION: Petition for rehearing filed by appellant granted

TERESA LOZANO, CASE NO. 01-2361P
Appeal from LEAP Termination
Office Assistant (General)
Department of Industrial Relations
ACTION: Petition for rehearing filed by appellant denied

ROBERT PANACCI, CASE NO. 01-2265P
Appeal from termination
Fire Fighter I (Seasonal)
Department of Forestry and Fire Protection
ACTION: Petition for rehearing filed by appellant denied

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PRINZ ANDRES PARR, CASE NO. 01-1520
Appeal from dismissal
Associate Materials and Research Engineer
Department of Transportation
ACTION: Petition for rehearing filed by appellant denied

13. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1 EXTENSION.

ACTION: See pages 23-26.

14. WITHHOLD APPEALS

On October 8, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos - Aye.

MICHAEL ABILA, CASE NO. 02-0716 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

ARTURO ACEVEDO, CASE NO. 02-0130 Classification: Correctional Officer Department of Corrections ACTION: DENIED

RUBEN ACOSTA, CASE NO. 02-0614 Classification: Youth Correctional Officer California Youth Authority

ACTION: DENIED

RICHARD ALEXANDER, CASE NO. 02-0613 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

GERALD ALLEN, CASE NO. 02-0298 Classification: Correctional Officer Department of Corrections ACTION: DENIED

LYNN ANDERSON, CASE NO. 02-0615 Classification: Correctional Officer Department of Corrections

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RICHARD ANDERSON, CASE NO. 01-2189 & 01-2188

Classification: Fire Apparatus Engineer and Fire Fighter II

Department of Forestry and Fire Protection ACTION: Fire Apparatus Engineer DENIED & Fire Fighter II GRANTED

HERBERT AREVALO-RAMIREZ, CASE NO. 01-4162 Classification: Hospital Police Officer

Department of Mental Health

ACTION: DENIED

ERIK BAARTS, CASE NO. 01-4163 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

ANDREW BASCOCHEA, CASE NO. 02-0704 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

BENJAMIN BORUNDA, CASE NO. 02-0135

Classification: Youth Correctional Counselor

Department of Corrections.

ACTION: WITHDRAWN

MICHAEL BRYANT, CASE NO. 02-0618 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

GREGORY BUTLER, CASE NO. 02-0612

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

LISA CARTER, CASE NO. 02-0299

Classification: Youth Correctional Officer

California Youth Authority

ACTION: GRANT

MARVIN CASH, CASE NO. 01-3966

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

CARLOS CASILLAS, CASE NO. 02-0710

Classification: Motor Vehicle Field Representative

Department of Motor Vehicles

RODOLFO CASTILLO, CASE NO. 02-0775 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

PETER CENICEROS, CASE NO. 02-0197 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

DAVEY CERVANTES, CASE NO. 01-4066 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

RAMON CHAVEZ, CASE NO. 02-0424

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

MAURICE COLBERT, CASE NO. 01-4157 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

TERRY COLBERT, CASE NO. 01-4238

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ROBIN COOK, CASE NO. 02-0720

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

WILLIAM CRUZ, JR., CASE NO. 01-3962 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

MICHAEL DELGADO, CASE NO. 01-4167 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

FRANK DIAS, CASE NO

FRANK DIAS, CASE NO. 02-0001 Classification: Cadet, CHP California Highway Patrol

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TONY DIGGS, CASE NO. 02-0413

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

KRISTOPHER DOUGHERTY, CASE NO. 01-2306 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

TERENCE EASTERLING, CASE NO. 02-0131 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ERNEST EPPS, CASE NO'S. 02-0023 & 01-2203

Classification: Youth Correctional Officer & Youth

Correctional Counselor California Youth Authority

ACTION: DENIED

JULIE ESTRELLA, CASE NO. 01-4046

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JOSEPH FLORES, CASE NO. 01-4213

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

DAVID FREDERICK, CASE NO. 01-4051 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

CHE GARCIA, CASE NO. 01-4100

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

RAFAEL GONZALEZ, CASE NO. 01-3596 Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

REYNALDO GONZALEZ, CASE NO. 02-0096 Classification: Correctional Officer

Department of Corrections

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CHER GRECH, CASE NO. 02-0328

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

VICTOR GUERRERO, CASE NO. 02-1226

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

EDGAR HALL, CASE NO. 02-0327 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

ANDREW HANEY, CASE NO. 01-3687 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

MARCUS HAWKINS, CASE NO. 02-0325

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

KATHLEEN HENRY, CASE NO. 01-4017

Classification: Associate Governmental Program Analyst

Department of Health Services

ACTION: DENIED

TYLOR HESTER, CASE NO. 01-3667

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

GARRETT HUMPHREY, CASE NO. 02-0672 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

SCOTT HUMPHREYS, CASE NO. 01-3828 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

LEVI HUPPERT, CASE NO. 02-0950

Classification: Correctional Officer

Department of Corrections

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DARRELL JOHNSON, CASE NO. 02-0269 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

SEAN KNOPH, CASE NO. 01-4287

Classification: Youth Correctional Counselor

California Youth Authority

ACTION: GRANTED

MANUEL LANTICE, CASE NO. 02-0094 Classification: Correctional Officer

Department o Corrections

ACTION: DENIED

ERNIE LARA, CASE NO. 02-0680

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

COREY LAWRENCE, CASE NO. 02-0335

Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

JASON LOUIE, CASE NO. 01-4280

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ANTHONY LOVELL, CASE NO. 01-3829

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

LORENZO LOZANO, CASE NO. 02-0681

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

LATEAKA LUCAS-SCOTT, CASE NO. 02-1449 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

YVONNE LUNA, CASE NO. 02-0271

Classification: Medical Technical Assistant, CF

Department of Corrections

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MICHAEL MACIAS, CASE NO. 01-2194

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

RAYMOND MACIAS, CASE NO. 01-4185

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JULIAN MARTINEZ, CASE NO. 02-1045

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

RICARDO MARTINEZ, CASE NO. 02-0533

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

LARRY MAYFIELD JR., CASE NO. 01-3733

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

FRANK MITCHELL, CASE NO. 02-1053

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

SHERMAN MITCHELL, II, CASE NO. 01-4039

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

WILLIAM MONS, CASE NO. 01-3728

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

YASHICA MORROW, CASE NO. 02-0100

Classification: Youth Correctional Officer

California Youth Authority

ACTION: GRANTED

AARON NICHOLS, CASE NO. 01-3732

Classification: Correctional Officer

Department of Corrections

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DAVID NICHOLS, CASE NO. 02-0033 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

ZACH NICHOLS, CASE NO. 01-3735

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

SHANNON O'BRIAN, CASE NO. 01-3737 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

RUDY OROZCO, CASE NO. 02-0082

Classification: Medical Technical Assistant, CF

Department of Corrections

ACTION: GRANTED

YSIDRO PACHECO, CASE NO. 01-4031

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

EVERTON PAKEMAN, CASE NO. 01-3925 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

LISA PERALTA, CASE NO. 02-0813

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

WILLIAM PETERSEN, CASE NO. 02-0508 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

WILLIAM PONDER, CASE NO. 01-3917

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JESSICA QUINONES, CASE NO. 02-1052 Classification: Correctional Officer

Department of Corrections

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ACTION: DENIED

LAURIE ROJO, CASE NO. 01-4189

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

BRIAN ROY-NEAL, CASE NO. 02-0214 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

MARK SANCHEZ, CASE NO. 01-4229

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

LEROY SAYRE, CASE NO. 02-0387

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

DAVID SCALISE, CASE NO. 01-3571

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

CHAD SERVADIO, CASE NO. 02-0396

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

LESTER SHAW, CASE NO. 02-0389

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ANGELA SILVA, CASE NO. 02-0385

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

RHONDA SIMPSON, CASE NO. 02-0583

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

TRACY SMITH, CASE NO. 02-0384

Classification: Correctional Counselor

California Youth Authority ACTION: DENIED

TRACY SMITH, CASE NO. 02-0392

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

GREGORY SNYDER, CASE NO. 01-3889

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ANDREW SPEER, CASE NO. 01-3568

Classification: Hospital Police Officer

Department of Mental Health

ACTION: DENIED

MARLIN STEPHENS, CASE NO. 02-0343

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

MICHAEL STREETER, CASE NO. 02-1490

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ALFREDO SY, CASE NO. 02-0588

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

FREDERICK THIERRY, CASE NO. 01-3883

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

TIMOTHY THOMAS, CASE NO. 01-4093

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

MATTHEW TROTT, CASE NO. 02-0391

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

KEITH VON WAADEN, CASE NO. 02-0382

Classification: Correctional Officer

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Department of Corrections

ACTION: DENIED

JOHN WOLCOTT, CASE NO. 01-4222

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

DAREN WRIGHT, CASE NO. 02-0388

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

ROBERT WRIGHT, CASE NO. 02-0345

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

15. MEDICAL APPEALS

On October 8, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

MIKE BELLUE, CASE NO. 02-1036

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

CHRISTOPHER CHAMBERLIN, CASE NO. 02-0295

Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

ROGELIO FIGURACION, CASE NO. 02-2793 Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

MARILYN FOGLEMAN, CASE NO. 01-4177

Classification: Correctional Lieutenant

Department of Corrections

ACTION: GRANTED

DAVID FORBES, CASE NO. 02-0430 Classification: Parole Agent I

Department of Corrections

ACTION: GRANTED

JAMES HILL, CASE NO. 02-1003

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

DANIEL JARAMILLO, CASE NO. 02-2335 Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

SANNOH KAMARA, CASE NO. 01-4006

Classification: Youth Correctional Counselor

California Youth Authority

ACTION: DENIED

JASON MERCADO, CASE NO. 02-3017

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

MATTHEW PENTECOST, CASE NO. 02-0226

Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

MICHAEL REYNA, CASE NO. 01-3725 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

AARON TEDESCO, CASE NO. 02-0432 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

ROGELIO TORRES, CASE NO. 01-4228 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JACOB WARNER, CASE NO. 02-0347 Classification: Cadet, CHP California Highway Patrol

16. EXAMINATION APPEALS

MERIT ISSUE COMPLAINTS

On October 8, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Examination Appeal)

CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS Classification: Senior Integrated Waste Management

Specialist

California Integrated Waste Management Board

ACTION: DENIED

(Merit Issue Complaints)

KIM MERCADO, CASE NO. 01-1677

Classification: Food Service Technician I

Department of Developmental Services

ACTION: WITHDRAWN

JASON STERLING, CASE NO. 01-1456 Classification: Energy Analyst California Energy Commission

ACTION: DENIED

17. REQUEST TO FILE CHARGES CASES

On October 8, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Request to File Charges case)

MICHAEL HORNSBY, CASE NO. 01-4202

Classification: A member of the public

Department of Health Services

ACTION: WITHDRAWN

18. NON-HEARING CALENDAR

The following non-hearing item was WITHDRAWN

A. TELEVISION SPECIALIST (SAFETY)

The California Department of Corrections proposes to establish a new classification of Television Specialist (Safety) with a six-month probationary period.

19. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

A. RESEARCH SPECIALIST (VARIOUS STUDIES)

RESEARCH SPECIALIST II AND III

The Governor's Office of Emergency Services proposes to modify the classification specification of Research Specialist (Various Studies) to allow the Department to use the Research Specialist II and III for the newly formed California Integrated Seismic Network.

ACTION: Noted

- 20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY
 - A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION
 - (1) CHIEF INFORMATION SECURITY OFFICER

 The Stephen P. Teale Data Center proposes to allocate the above position to the CEA category. The Chief Information Security Officer will be responsible for establishing and managing policies and procedures to ensure a security and risk management program for the data center and to ensure the security of all data under the custody of the data center. The department indicates that the position will be at the second organizational level and will report to the Directorate.
 - ASSOCIATE SECRETARY, FISCAL POLICY AND ADMINISTRATION

 The Department of Industrial Relations on behalf of the Labor and Workforce Development Agency (Labor Agency) proposes to allocate the above positions to the CEA category. The General Counsel will provide legal direction to all departments and entities within the Labor Agency. The Associate Secretary, Fiscal Policy and Administration will have responsibility for all fiscal and administrative policies of the Labor Agency. The department has indicated that both

positions will be at the second organizational level and will report to the Agency Secretary.

ASSISTANT SECRETARY, INNOVATION TECHNOLOGIES
ASSISTANT SECRETARY, RESEARCH AND EVALUATION
ASSISTANT SECRETARY, YOUTH CAREER DEVELOPMENT
ASSISTANT SECRETARY, PROGRAM INTEGRATION AND
POLICY DEVELOPMENT
The Department of Industrial Relations on behalf
of the Labor and Workforce Development Agency
proposes to allocate the above positions to the
CEA category. The Assistant Secretary positions
will be responsible for developing policies and
implementing plans for administering the above
programs. The department has indicated that these
positions will be at the third organizational
level and will report to the Deputy Secretaries.

- B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS
 - (1) ASSISTANT DEPUTY DIRECTOR, OFFICE OF LEGAL AFFAIRS The Department of Managed Health Care's request to allocate the above position to the CEA category has been approved effective September 16, 2002.
 - (2) ASSISTANT DEPUTY DIRECTOR, OFFICE OF ENFORCEMENT The Department of Managed Health Care has withdrawn their request to allocate the above position to the CEA category.

ACTION: Noted

ADJOURNMENT

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SUBMITTED

1. EXPEDITED HEARINGS - PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 52.4. (Hearing held May 7, 2002).

NO ACTION

2. ANSWER ON APPEALS FILED WITH STATE PERSONNEL BOARD. PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 63. (Hearing held May 7, 2002).

NO ACTION

3. Status of the State's Decentralized Testing. (Hearing held July 9, 2002).

NO ACTION

4. MERIT RULE - Proposed adoption of the new Section 250 to the California Code of Regulations (CCR) entitled Requirement that Selection be Based on Merit and Fitness. (Hearing held July 23, 2002).

NO ACTION

5. DANIEL ESQUIVEL, CASE NO. 01-2866. Appeal from dismissal. Department of Corrections. (Oral argument held September 11, 2002).

ACTION: On October 8, 2002, adopted Board decision revoking dismissal and ordered appellant reinstated with backpay, interest and benefits.

VOTE: Alvarado, Elkins, Bos - Aye.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

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Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on October 8, 2002.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos - Aye.

CORRECTION

The action for the following persons was inadvertently listed as DENIED in the July 24, 2001, Summary Minutes. The action should have been **GRANTED**.

PATRICK S. FILER, CASE NO. 00-1918 DARREN T. WILSON, CASE NO. 00-4054 JOHN B. BACHER, CASE NO. 00-2572 MICHAEL R. HUMBLES, CASE NO. 00-0870 RON D. HYNDS, CASE NO. 00-3667